

## **ATTACHMENT A**

### **Remarks**

In response to the Office Action mailed on May 01, 2007, reconsideration of the rejection of the claims is respectfully requested.

#### **Rejection of claims 1 – 20 on the grounds of non-statutory double patenting**

Claims 1 – 20 have been rejected on the grounds of non-statutory double patenting over claims 1 – 21 of U.S. Patent No. 6,717,590, which is entirely owned by the assignee of the current application.

An appropriate terminal disclaimer is submitted herewith to overcome this rejection.

#### **Rejection of claims 1, 6, 16 and 21 under 35 U.S.C. 101**

Claims 1, 6, 16, and 21 have been rejected under 35 U.S.C.101 as being directed to non-statutory subject matter. This rejection is respectfully traversed, but claims 1, 6, 16 and 21 have been amended to recite hardware components and features that enable functionality such that the claims are clearly not directed to "software per se."

#### **Rejection of claims 1 – 21 under 35 U.S.C. 103**

Claims 1 – 21 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Knee et al. (U.S. Patent No. 6,014,184) ("Knee") in view of Brown et al. (U.S. Patent No. 6,026,368) ("Brown"). This rejection is respectfully traversed, although many of the claims have been amended.

Claims 1, 6, 11, 16 and 21 are the independent claims of the application.

Claim 1, as amended, recites a method, for a system using media program scheduling information, comprising the steps of:

- receiving a selection of a media program from a user through a user interface;
- retrieving program information relating to said selected program;
- receiving from the user through said user interface a record request to periodically record said selected program, said record request including a recurrence period;

determining if said program is a recurring program from said program information, wherein recurrence period information for said program is contained in said program information when said program is a recurring program; and  
periodically recording said selected program on recordable media when said recurrence period of said record request is similar to said recurrence period information of said program information.

The Knee reference “relates to an electronic program schedule system, which provides a user with schedule information for programs viewed by the user on a television receiver, whether broadcast, cablecast, delivered by satellite, optical fiber, or any other means of program distribution” (col. 1, lines 14 – 18). It is alleged in the Office Action, regarding claims 1, 11 and 16, that “Knee discloses a method, for a system using program scheduling information, said method comprising the steps of receiving a selection of a program (see col. 6, lines 6 – 42); retrieving program information relating to said program; receiving a record command for said program; said record command including a recurrence period (see col. 12, lines 15 – 65); and enabling said record command when said recurrence period of said record command is similar to said recurrence period information of program information relating to said program (see col. 13, lines 6 – 60).” However, it is acknowledged that “Knee fails to explicitly teach determining if said program is a recurring program from program information of said program, wherein a recurrence period information for said program is available when said program is a recurring program.”

It is respectfully submitted that not only does Knee fail to teach “determining if said program is a recurring program from program information,” but Knee also fails to teach or suggest: 1) receiving from a user through a user interface a request to periodically record a selected program, the record request including a recurrence period; and 2) periodically recording said selected program on recordable media when said recurrence period of said record request is similar to said recurrence period information of said program information, both as recited in claim 1.

With respect the request to periodically record a selected program, for convenience, the portion of the Knee reference that was cited in the Office Action as teaching a “record command” having a “recurrence period” is reproduced below:

As discussed in detail below, the user may navigate through the program schedule system with a remote controller, such as that shown in FIG. 3, which operates on conventional principles of remote control transmitter-receiver logic, such as by infrared or other signalling, or other suitable user interface. The remote controller 31 communicates with the microcontroller 16 through the remote controller receiver 29, shown in FIG. 1, which can be a Silent Partner IR receiver and which receives signals transmitted by the remote controller 31 and supplies the microcontroller 16 with a corresponding digital signal indicating the key depressed by the user.

A remote controller suitable for the present invention, such as shown in FIG. 3, which can be a remote controller manufactured by Universal Electronics or Presentation Electronics' Silent Partner, may include a power switch 32, volume 33 and mute 34 controls, an ENTER key 35, 0-9 digit keys 36, four direction arrow keys 37A and 37B, a MODE key 38 and an information key 39 that is designated with a lower case "i." The power 32, volume 33 and mute 34 keys operate in the same manner as conventional remote controllers typically used with present-day television receivers. The numeric digit keys 36 also function in much the same manner as conventional remote controllers. A brief description of the remaining keys follows.

The MODE key 38 takes the user through various layers of the electronic program schedule system 10 and generally allows the user to return to a previous screen when he is in a submenu. The up/down direction arrow keys 37A allow a user to navigate through the different TV program channels when the program schedule system is in a FLIP or BROWSE mode, as will be fully described below, and also allow the user to navigate through highlighted bars displayed on the TV screen when in a MENU mode. The left/right direction arrow keys 37B allow the user to navigate through selected time periods when the program schedule system is in the BROWSE mode, as will also be described below. They further allow the user to navigate across subject-matter categories while in the "Categories" submenu of the MENU mode, as well as to navigate across time periods when the program schedule system is in a pay-per-view ordering mode and, in general, navigate in left or right directions to select various icons and other objects. The information, or "i," key 39 allows the user to view supplemental program and

other information during the various modes of the program schedule system. The ENTER 35 key fulfills and inputs a command once the user has made a selection from the remote controller keys. The function and operation of these keys will be made more apparent in the detailed discussion of the FLIP, BROWSE and MENU modes below.

While the cited passages do teach that a user may navigate through a program schedule with a remote controller, and discloses various aspects of navigating through time periods and pay-per-view ordering using various buttons on a remote controller, it is respectfully submitted that the cited passage makes no mention or suggestion of: 1) receiving a request to periodically record a program, the request including a recurrence period; or 2) periodically recording the selected program on recordable media when the recurrence period of the record request is similar to recurrence period information of the program.

Turning to the feature that Knee admittedly does not teach, the Office Action states that "the Brown reference discloses determining if said program is a recurring program from program information of said program, wherein a recurrence period information for said program is available when said program is a recurring program (see col. 12, lines 50 – 67 and col. 13, lines 1 – 27)."

The Brown reference relates to a system that will assemble and provide content and advertising information to a network so as to be permeably distributed to a targeted set of viewers. Again, for convenience, the cited passages are reproduced below:

#### Time Period Editor 120

The programming engine provides a mechanism to create time period definitions through the time period editor 120. These time period definitions can be the targets for content segments in the same way as subscribers and content locations. The time period editor 120 uses the same folder management mechanism used in the profile editors 130. The program retrieves all existing folders for the current user and the current campaign(s) to which the user has access. Time period definition records are stored in the data base and related to folder records. New time period definitions can be created by clicking on a "Create New TP" on-screen button. The user is prompted to enter the time period definition

descriptive data (i.e. name, description, and valid start and end dates). Once this data is entered, the definition editor allows a analyst to select the minor and major units of granularity for the time period definition (hour(s) of a day, day of week, day of month, week of month, month of year). Once the granularity is selected the program presents a visual representation of the minor time units within the major units (i.e. day with hours marked, week with days marked, etc.) starting with a presentation that contains the valid start date from the time period definition record. In this visual presentation an analyst can highlight one or more of the increments (i.e. hours, days, weeks, or months) shown. The program displays a "Recurring" button when the initial unit (the unit containing the valid start date for the time period definition) is displayed on the screen. When the "Recurring" button is pressed, the program prompts the user for the recurring frequency (i.e. every day, every week day, every same day of week, same day of month, etc.). To complete the definition of a recurring time period the user is prompted to enter the end date of the recurrences (the program defaults to the valid end date for the time period definition record). When the analyst has completed entering the definition for the time period, data records are written to the relational data base that identify the increments, the units, and the recurrence pattern defined.

With the subscriber, content location, content segment folders and profiles, and the time period definitions; rule developers have all of the data necessary to develop targeting rules that identify target objects (i.e. individual records, profiles, or folders of content locations, subscribers, and time periods) and the content segments (individual records, profiles of segments, or folders) with which they will be targeted.

The cited passages from Brown disclose a time period editor that prompts a user to enter time period definition descriptive data, and writes that definition to a data base. It is respectfully submitted that, even assuming that Knee and Brown are properly combinable, the cited passage from Brown is not a teaching or a suggestion of the "determining" step of claim 1, because "prompting" a user to enter information and "writing" that information to a data base are not teachings or suggestions of "determining" anything about that information. Further, it is respectfully submitted that if the user had the information to "enter" in response to a "prompt," there would be no

need for a “determining” step, since the user would already have the information required to make the determination.

Thus, it is respectfully submitted that the proposed combination of Knee and Brown does not teach or suggest the method as recited in claim 1.

Claims 2 and 4 – 5 depend from claim 1 and are allowable for at least the reasons provided in support of the allowability of claim 1.

Turning to claim 6, claim 6, as amended, recites a method comprising:

receiving a selection of a media program from a user through a user interface;  
retrieving program information relating to said selected program;  
receiving from the user through said user interface a request for a recurring reminder for said program, said reminder providing a notice that said program will be broadcast, said reminder request including a recurrence period;  
determining if said program is a recurring program from said program information, wherein recurrence period information for said program is available when said program is a recurring program; and  
sending a recurring reminder to the user when said recurrence period of said reminder request is similar to said recurrence period information of said program information.

It is alleged in the Office Action that “claim 6 differs from claim 1 in that ‘receiving a request for a reminder for said program ...’ as recited in Knee (see col. 19, lines 5 – 61).”

It is respectfully submitted that nowhere in the cited passage of Knee, nor anywhere else in the Knee and Brown references discussed above is the method of claim 6 taught or suggested. More particularly, while the cited passage of the Knee reference does disclose an “option of setting a REMINDER message (col. 19, lines 33 – 34),” the REMINDER message of the passage is not the same as the recurring reminder of claim 6. Further, neither Knee nor Brown disclose the recited steps of: 1) receiving from a user through a user interface a request for a recurring reminder for said program; 2) determining if the program is a recurring program from program information; or 3) sending a recurring reminder to the user when a recurrence period of the reminder request is similar to recurrence period information of the program information.

Claims 7 and 9 – 10 depend from claim 6 and are allowable for at least the reasons provided in support of the allowability of claim 6.

Claim 11 recites a system comprising, *inter alia*, a user interface for presenting program scheduling information on a display and configured to receive a selection a program from program scheduling information and enable a received record command when a recurrence period of the record command is similar to recurrence period information provided with the program scheduling information relating to the program.

Claim 11 is allowable for the reasons discussed above with respect to claim 1. More particularly, it is respectfully submitted that the combination of Knee and Brown do not teach or suggest a user interface configured to enable a received record command when a recurrence period of the record command is similar to recurrence period information provided with program scheduling information relating to the program.

Claims 12 – 15 depend from claim 11 and are allowable for at least the reasons provided in support of the allowability of claim 11.

Considering claim 16, claim 16, as amended, recites a method comprising the steps of:

- receiving a selection of a media program from a user through a user interface;
- retrieving program information relating to said selected program, said program information including recurrence period information for said selected program;
- determining if said program is a recurring program from said program information;
- enabling a periodic record function for said program when said program is a recurring program, wherein said periodic record function is available to the user through said user interface, and wherein said periodic record function has a recurrence period equivalent to said recurrence period information from said program information.

It is respectfully submitted that, for the reasons discussed above, Knee and Brown, even if combined, do not teach or suggest enabling a periodic record function for a program when the program is a recurring program. Further, Knee and Brown do not teach or suggest the periodic record function being available to the user through the user interface, or the periodic record function having a recurrence period equivalent to the recurrence period information from the program information, as recited in claim 16.

Claims 17 – 19 depend from claim 16 and are allowable for at least the reasons provided in support of the allowability of claim 16.

Turning to claim 21, claim 21, as amended, recites a computer readable medium containing computer readable code for a system using program scheduling information. The computer readable code causes a computer to execute the steps of:

- receiving a selection of a program;
- retrieving program information relating to said selected program;
- receiving a record request to periodically record said program; said record request including a recurrence period, said recurrence period being at least one of daily, weekly, or monthly;
- determining if said program is a recurring program from said program information, wherein recurrence period information for said program is contained in said program information when said program is a recurring program;
- enabling said record request when said recurrence period of said record request is similar to said recurrence period information of said program information;
- disabling said record request when said recurrence period of said record request is not similar to said recurrence period information of said program information; and
- sending a notification that said recurrence period of said record request is not similar to said recurrence period information of said program information.

The Office Action cites to “col. 43, lines 15 – 67 and col. 44, lines 3 – 63” of the Knee reference as disclosing the steps of claim 21.

The cited passages of the Knee reference describe an alternate embodiment of a Sports mode screen 510 which provides access to locally stored program schedule information and scores and other information from a received data feed (col. 43, lines 15 – 20).

However, it is respectfully submitted that the cited passage of the Knee reference does not teach, or suggest, at least: 1) receiving a record request to periodically record a program, said record request including a recurrence period; 2) determining if the program is a recurring program from program information; or 3) enabling or disabling the record request when the recurrence period of the record request is similar to recurrence period information of the program information. Thus, neither Knee nor



Brown, however combined, teach or suggest the computer readable medium recited in claim 21.

**END REMARKS**